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Eligo Energy IL, LLC (Docket No. 13-0293) Revised Annual Report of Compliance with Renewable Portfolio Standard ("Revised Annual Report")

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

November 4, 2016

**ORIGINAL**

Eligo Energy IL, LLC

13-0293

Annual Report of Compliance with  
Renewable Portfolio Standard  
(Section 455.120)

Illinois Commerce Commission  
Office of the Chief Clerk  
527 East Capitol Avenue  
Springfield, Illinois 62701

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**Eligo Energy IL, LLC (Docket No. 13-0293) Revised Annual Report of Compliance with Renewable Portfolio Standard ("Revised Annual Report") AND Section 455.130(g) Petition For Alternative Compliance Payment Refund**

Eligo Energy IL, LLC ("Eligo") respectfully provides the attached Revised Annual Report of compliance with the renewable portfolio standard. Eligo has been informed by the Policy Division of the Illinois Commerce Commission ("ICC" or "Commission") that its ComEd deliverables were approximately 9.7% less than what Eligo reported to the ICC in its August 30, 2016 Annual Report of Compliance with Renewable Portfolio Standard ("Original Annual Report").

Eligo is herein submitting this Revised Annual Report with the corrected ComEd data provided by the ICC. Eligo has already retired RECs in excess of its requirement (please see Eligo's Original Annual Report and enclosed documentation) and made its Alternative Compliance Payment ("ACP") (copy of check attached).

In support of this revised filing, please find a revised ICC Part 455 Renewable Portfolio Standard Compliance Worksheet for Determining and Reporting Renewable Energy Credits (RECs) and ACPs for compliance period June 1, 2015 – May 31, 2016. Eligo is also enclosing proof of compliance provided by PJM-GATS and the ICC as well as additional sources that represent the following:

- A. Month and year the electricity associated with the RECS was generated;
- B. The retirement status of the RECs;
- C. The State RPS for which the RECs were retired;
- D. Whether the renewable source associated with the RECs was located in Illinois, within states that adjoin Illinois, or within portions of the PJM and MISO footprint in the United States.
- E. Affidavit OF Eligo Energy IL, LLC

In a separate filing and in accordance with Section 455.130(g), Eligo will seek to petition the Commission for permission to apply to the Illinois Power Agency for a partial refund of its Alternative Compliance Payment (the difference between Eligo's original ACP and revised ACP).

Eligo also hereby petitions for certain information contained in the enclosed Annual Report and exhibits attached thereto to be treated as "confidential" for a period of at least two years. Specifically, Eligo requests that its MWh amounts, its alternative compliance payment amount, the quantity of RECs retired, and account numbers and MWh sold under contracts are all treated as confidential. Eligo considers such information market sensitive and believes the public disclosure of such would be detrimental to it. Eligo notes in its petition that Section 455.20 of Part 455, Section 200.430 of 83 Ill. Adm. Code 200, "Rules of Practice," Section 451.60 of 83 Ill. Adm. Code 451, "Certification of Alternative Retail Electric Suppliers," Section 4-404 of the Act, and Section 7(1)(g) of the Freedom of Information Act ("FOIA"), 5 ILCS 140/1 et seq., all provide for confidential treatment of sensitive information.

In support of its request, Eligo asserts that the retail electric service industry is highly competitive and that it is essential that public disclosure of the confidential information in its RPS Report be avoided for at least two years because of the competitive harm that disclosure of such information would likely cause it. Eligo sells services to customers in competition with many other ARES. Disclosure of commercial information is harmful to a company subject to competition because it gives competitors insight into information about its relative position in the marketplace. Such information may inform and enhance competitors' marketing strategies by allowing them to assess more accurately their potential strengths and weaknesses in specific service territories. The redacted information is not widely available or known and would be of considerable value to competitors.

The RPS Report includes data that a competitor could try to use to derive a key piece of market information -- market share. ARES do not generally disclose information that can assist competitors in discerning their competitive position in the market. The Commission has consistently held that market share data is confidential.

WHEREFORE, the Petitioner respectfully requests the Commission enter an Order without hearing, protecting from disclosure the information redacted from the public report and exhibits enclosed herein. Eligo also respectfully requests the Commission enter an Order giving Eligo permission to apply to the Illinois Power Agency for a partial refund of its Alternative Compliance Payment.

Eligo Energy IL, LLC (Docket No. 13-0293) Revised Annual Report of Compliance with Renewable Portfolio Standard ("Revised Annual Report")

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Rozenblat', with a long horizontal flourish extending to the right.

Alexander Rozenblat  
General Counsel for Eligo Energy IL, LLC  
201 W Lake St., Suite 151  
Chicago, IL 6060

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**  
**AFFIDAVIT OF Eligo Energy IL, LLC**

State of Illinois                                 )  
  )       SS  
County of Cook                                 )

The undersigned, under oath, deposes and states as follows:

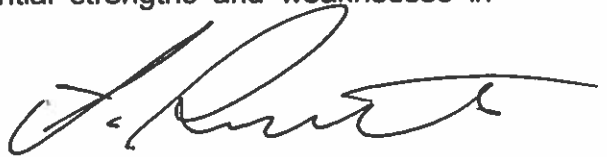
1. My name is Alexander Rozenblat. I am General Counsel of Eligo Energy IL, LLC ("Eligo") and, in my capacity as General Counsel, I am authorized to execute this Affidavit.

2. I have read the Revised Annual Report of Compliance with Renewable Portfolio Standard, submitted to the Illinois Commerce Commission pursuant to 83 Ill. Adm. Code 455.120 by Eligo Energy IL, LLC and dated 9/08/2016.

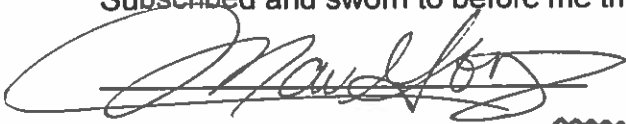
3. I have personal knowledge of the facts discussed in the above-mentioned report and, to the best of my knowledge, information and belief, those facts are true and correct and, if sworn as a witness, I could testify concerning them.

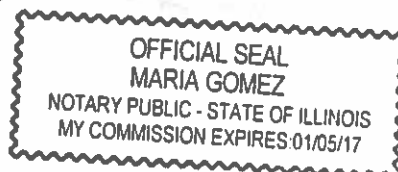
4. This filing contains or reflects commercially or financially sensitive information or trade secrets that are being provided to the Commission on a confidential basis, pursuant to 83 Ill. Adm. Code 455.20. The filing includes a "confidential" and a redacted "public" version of the report and attached documentation, with all confidential information marked "Confidential." Eligo has redacted from its RPS Report MWH amounts, its alternative compliance payment ("ACP") amount, the quantity of RECs retired, and account numbers and MWh sold under contracts. The redacted information is not widely available or known and would inform and enhance competitors' marketing strategies by allowing them to assess more accurately their potential strengths and weaknesses in specific service territories.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Alexander Rozenblat

Subscribed and sworn to before me this 4<sup>th</sup> day of November, 2016

  
\_\_\_\_\_  
Notary Public



## ICC Part 455 Renewable Portfolio Standard Compliance Worksheet for Determining and Reporting Renewable Energy Credits (RECs) and Alternative Compliance Payments (ACPs) for the Compliance Period

**Instructions:** Respondent fills in the bright yellow-highlighted cells. Any pre-existing values in the yellow-highlighted cells are for illustrative purposes, only.

Name of Respondent: <b>Eligo Energy, IL LLC</b>		All tests must be TRUE for compliance:	
Compliance Period: <b>From 06/01/2015 to 05/30/2016</b>		Are all tests true? <b>YES</b>	
Report Date: <b>8/28/2016</b>		(Due by September 1, 2016)	
<b>Worksheet to Plan Compliance</b>			
Service Territory	Ameren	ComEd	Total
Total Usage at the Customers' Meters (MWH)			Section 455.120(a)(1)
Exempt Usage (MWH)	0	0	Section 455.120(c)
Non-Exempt Usage (MWH)			Section 455.120(a)(2)
Total RPS Requirement (%)	10%	10%	
Total RPS Requirement (MWH)			
Wind Requirement (%)	60%	60%	
Solar PV Requirement (%)	6%	6%	
Wind Requirement (MWH)			
Solar PV Requirement (MWH)			
Max REC's useful toward compliance = Total RPS * 50% (MWH)			
ACP for Wind Requirement (MWH equivalent)			
ACP for Solar PV Requirement (MWH equivalent)			
ACP for Other Requirement (MWH equivalent)	0	0	
Total ACP (MWH equivalent)			
Total REC's needed (MWH)			
Min Wind REC's needed (MWH)			
Min Solar PV REC's needed (MWH)	0		
Other REC's needed (MWH)			
ACP Rate (\$/MWH of Usage)**			
Computed ACP (\$)			
Less ACP overpayments from previous periods (if applicable)			\$0
ACP Due (\$)			
Total ACP (MWH equiv) ≥ Min ACP (MWH equiv)	TRUE	TRUE	

**Alexander Rozenblat**

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**From:** Zuraski, Richard <rzuraski@icc.illinois.gov>  
**Sent:** Wednesday, September 07, 2016 10:05 AM  
**To:** Alexander Rozenblat; 'Trevor Herbest'  
**Subject:** RE: [External] Eligo IL RECS

Deliveries to Retail Customers Jun 2015-May2016 (MWHs)			
	Ameren	ComEd	Total
Eligo			

**From:** Alexander Rozenblat [mailto:arozenblat@eligoenergy.com]  
**Sent:** Tuesday, September 06, 2016 5:02 PM  
**To:** Zuraski, Richard <rzuraski@icc.illinois.gov>; 'Trevor Herbest' <trevor@eligoenergy.com>  
**Subject:** RE: [External] Eligo IL RECS

Richard, would you mind sharing the ComEd data? I think we ran numbers from GATS and are not sure how to best account for distribution system losses or other factors you mentioned.

**From:** Zuraski, Richard [mailto:rzuraski@icc.illinois.gov]  
**Sent:** Friday, September 02, 2016 5:52 PM  
**To:** Alexander Rozenblat <arozenblat@eligoenergy.com>; 'Trevor Herbest' <trevor@eligoenergy.com>  
**Subject:** RE: [External] Eligo IL RECS

We received ELIGO's RPS compliance report and I have discovered the following problems:

- The solar requirement has not been met.
- The reason why this was not apparent to you when you filled out your compliance report is that the formula that should have been in cell D17 had been erroneously replaced with a fixed value of   
The correct formula results in a value of                      As a result, there is a deficit of    solar  
Unfortunately, I did not detect the error in D17 when you sent your draft report for my review prior to the filing. My recommendations at that time assumed (incorrectly) that the number shown in D17 was the correct formula-derived value.
- On the other hand, since our last communications, I have received a report from ComEd of deliveries to ARES customers; and in the case of Eligo, ComEd is showing deliveries that are approximately 9.7% less than what Eligo is reporting. This leads me to wonder if you mistakenly included distribution system losses or if you are not using the post 60-day reconciliation numbers or doing something else that has unnecessarily elevated your reported deliveries (and hence your RPS requirements).

My recommendation at this time is that you consider the issues discussed above and that you reexamine your records of sales to retail customers in ComEd's service territory. Sometime next week we can have a conference call to discuss further.

Richard J. Zuraski  
Economist  
Policy Division  
Illinois Commerce Commission

Public

Eligo Energy, LLC 11/12  
1658 N Milwaukee Ave  
Suite 314  
Chicago, IL 60647

1155  
2-7080/2710

8/29/2016  
Date

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